HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.14526 of 2006

Dated: 28-08-2007

Between:
P. Saradha

.... PETITIONER

AND

The Government of Andhra Pradesh,
Department of Civil Supplies represented by
its Joint Collector, Nellore, Nellore District and others.

.... RESPONDENTS

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.14526 of 2006

ORDER:

This Court issued Rule Nisi on 17.7.2006 and granted interim suspension in W.P.M.P. No. 18086 of 2006.

The writ petition is filed for a Writ of Certiorari to call for the records pertaining to the proceedings in Rc. E.95/2006, dated 10.6.2006 of the 1st respondent herein and to set aside the same as arbitrary, illegal and violative of the provisions of A.P.State Public Distribution System Control Order, 2001 and to pass such other orders.

It is stated that the petitioner is a Fair Price Shop dealer of Kothanalpadu Village. It is also stated that the 3rd respondent vide his proceedings in R.C. No. A.761/2005, dated 18.11.2005, submitted a report to the 2nd respondent stating that the petitioner is not residing in the village and left the village after getting married and hence recommended for initiation of appropriate proceedings. Further, on the strength of the said report, the 2nd respondent placed the petitioner under suspension and framed two charges. It is also stated that the 1st respondent herein was pleased to set aside the order of the second respondent cancelling the authorization of the petitioner in an appeal filed by the petitioner. It is further stated that the 2nd respondent was pleased to cancel the authorization of the petitioner. It is further stated

that the 1st respondent allowed the appeal by order dated 21.12.2005 while directing the 2nd respondent to conduct further enquiry. Further, it is stated that the 2nd respondent permitted the petitioner to distribute the commodities. The second respondent, thereafter, confirmed the order of cancellation on 19.5.2006. It is stated that the appeal filed by the petitioner against the said order of the 2nd respondent is pending before the first respondent. It is also stated that on 10.6.2006, the appellate authority refused to grant stay pending the appeal. In such circumstances, the present writ petition is filed.

In the counter affidavit filed by the respondents, in para-6, several averments have been denied. It is also stated that the Revenue Divisional Officer, had conducted open enquiry and during the enquiry, the villagers have stated in one voice before the Revenue Divisional Officer that the fair price shop dealer had not been residing in the village and she had got married with one software engineer by name Damodhar and is residing at Venkatagiri Town and her father, by name, Venkata Ramanaiah is maintaining the fair price shop in her name as benami. In such circumstances, it is stated that the authorization had been cancelled. It is also stated that the Joint Collector, Nellore while taking up the appeal, rejected the grant of stay.

It is not in serious dispute that the appeal is pending before the Joint Collector, Nellore, Nellore District. In view of the fact that interim suspension had been granted on 17.7.2006 and the same had been operative, let the Joint Collector, Nellore dispose of the appeal filed by the petitioner in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till then, the interim suspension granted on 18.7.2007 shall continue to remain in operation.

The writ petition is accordingly disposed of. No costs.

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P.S. NARAYANA,J

DATE: 5th October, 2007

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